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## Memorandum

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**To:** Interested Parties  
**From:** George A. Plummer and Joanna Valencia, Staff Planners  
**Date:** June 10, 2010  
**Subject:** Response to community comments raised for Burlington Community (PC-10-009)

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This memo lists issues raised for the Burlington community. A list of issues and items to address was generated during the community input session at the April 27<sup>th</sup> community meeting. Staff compiled the community responses and has categorized them below. Comment(s) received have been included and are followed by staff's response in addressing the issue.

### **Community Boundary**

Comment: Why was the boundary set where it is?

Staff Response: Burlington is the only identified rural center in the West Hills rural area. It was the subject of a land use study in 1981, which identified the current rural center boundaries (approximately 30 acres). The remainder of the 90 acre Burlington area (analyzed in the 1981 land use study) was designated Commercial Forest Use, and was found to be virtually undeveloped at that time, therefore establishing the current boundary.

Further, staff's review of vacant properties east of the current boundary find that topography in combination with small lot sizes may restrict development. As identified above, the Burlington subdivision was large and inclusion of vacant lands would have been a substantial increase in the community boundary. For the most part the lots were found to be, for the most part, undeveloped. In looking at the two houses west of the boundary, one was constructed after the boundary was already established.

Comment: Can the boundary be expanded?

Staff Response: There are a number of challenges to expansion of the boundary. These include State Unincorporated Community Rule requirements and rural reserve designations. The State Rule identifies that Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria are met:

- (a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;

(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;

(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and

(d) The land remains planned and zoned under Goals 3 or 4.

In taking a look at the area, the current community boundary is surrounded by lands designated for forest and is zoned Commercial Forest Use-1 and Commercial Forest Use-2. Difficulty to include these areas would come from criterion (b) identified above requiring that lands zoned for farm or forest use may only be included in the Unincorporated Community if it is adjacent to exception lands included in the community boundary and was occupied on October 28, 1994 (the date of the Unincorporated Community Rule) by one or more of the following public uses: church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility.

The land that borders Burlington is designated as rural reserve. Exceptions to Goals 3 and 4 are not allowed in rural reserve areas under current state rules in OAR Division 27.

### **Septic Requirements and Small lots**

Comment: We have concerns regarding the impact of lot sizes, zoning setback requirements and septic requirements on being able to develop or maintain a single family dwelling on a lot.

Staff Response: The Burlington area is not served by a community sewer district or system. All wastewater treatment in the area is accomplished through septic systems. The State Rule requires that zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The land use analysis conducted finds that a minimal number of lots could potentially be developed under the zoning standard of a one acre minimum lot size. All new parcels would have to be served with on-site septic and stormwater control systems. Two main factors will influence the growth potential of the area, one being the desire to develop the parcels, and the other being the ability to support an on-site septic system and control stormwater on-site. In considering these factors, the potential for additional growth may be limited.

In taking a look at these factors, staff determined that a public facility plan is not needed for the Burlington Community. The size and location would require a costly system to serve a small number of lots in the area. Review of the area's carrying capacity is already being reviewed by the City of Portland Bureau of Development Services Site Development Office with the office being able to deny or approve building permits based on percolation tests and site inspections. County requirements currently address stormwater management, and the area is served by the Burlington Water District. In addition, the community input received included feedback from the citizens indicating that they like the density and there is a community interest in preserving what's already there and maintaining the community. The development of urban services, such as a sewer system, would be contrary to this input.

## **Lack of services such as grocery store, gas station, and restaurant in the community**

Comment: There is lack of community services such as a grocery store, gas station and restaurant in the community.

Staff Response: Challenges in developing such uses include the small lot sizes and the lack of urban services such as septic and water. In addition, challenges to developing these uses includes being able to provide adequate off-street parking. Solutions to these challenges may include the development of a combination of adjacent lots. The identified uses are currently listed as a conditional use permit, and any such proposals to locate such uses within the Rural Center zone would have to be reviewed on a case-by-case basis.

## **Bus Service and other modes of transportation**

Comment: Is there a possibility of bus or other forms of public transportation to service the community.

Staff Response: County staff will forward the comments to the appropriate agencies that provide public transportation (i.e. TriMet) for response.

## **Highway 30**

Comment: Concerns were raised regarding traffic safety and access to Highway 30. This included citizen concerns regarding sight distance at the intersection of Burlington Avenue and Highway 30, and the difficulty at times to access Highway 30 and the possibility of exploring a reduction of the speed limit through the community.

Staff Response: According to county policies and zoning regulations in place, and staff discussions with the Oregon Department of Transportation, and results from the community inventory and analysis, it appears that the Rural Community Plan for the Burlington Community will not affect the existing or planned transportation facilities. Roads in the area are adequate to accommodate existing and future traffic levels. State Highway 30 and Cornelius Pass Rd. provide major access to Burlington. The remaining roads in the area, Burlington, and Wapato provide access to homes and properties abutting them. Many "paper" roads, unbuilt and in some cases unbuildable, criss-cross the area. Burlington and Wapato are classified as Rural Local Roads and are addressed in the county policies. Highway 30 is addressed as part of the Oregon Highway Plan administered by the Oregon Department of Transportation (ODOT). Comments received regarding Highway 30 will be forwarded to ODOT for their information. Improvements to existing local streets and/or construction of new internal local streets to support specific developments could be required as part of a future subdivision approval process and would be addressed on a site-specific basis.